



Michigan Association of School Social Workers

Comments Regarding Seclusion and Restraint Legislation HB 5409 - 5418

Introduction

The Michigan Association of School Social Workers (MASSW) is very supportive of the basic premises of HB 5409 - 5411. We are in favor of the use of strategies to support positive behavior and, in particular, the use of a model of schoolwide positive behavioral supports (PBIS) to effectively address the behavior of all students. Research has shown that PBIS is effective, not only in improving student behavior, but also in contributing to a positive school climate, providing a safe learning environment and improving academic outcomes. Based on their professional training, and required skills and competencies, school social workers have assumed leadership roles in implementing and maintaining schoolwide systems of PBIS in many Michigan school districts.

We strongly agree that the use of highly trained staff providing meaningful instruction is another critical component for prevention of disciplinary problems.

The existing Michigan State Board of Education Standards for Seclusion and Restraint (2006) have provided guidance for school districts in many of the same ways that are proposed in this legislation.

Comments: HB 5409-5412

We agree that there should be a uniform policy and standards for all Michigan districts to address any use of Seclusion and Restraint. All of our students have a right to be safe in school and be treated in a positive and respectful manner (HB 5409).

Various school social work associations, including MASSW, The Midwest School Social Work Council and the School Social Work Association of America, have written papers and resolution statements in support of PBIS and the extensive evidence that supports its use (HB 5410).

These same school social work associations have strongly opposed negative or punitive methods of discipline (HB 5411).

In those emergency situations where the use of Seclusion and Restraint is necessary, we agree that certain parameters should be in place to assure the safety of the student and staff members (HB 5412)

Concerns:

We support the required processes of diligent assessment, monitoring, documentation, reporting and debriefing by trained personnel when Emergency Seclusion or Emergency Restraint are used.

We believe, however, that the use of the term "trained behaviorist," in particular, and also perhaps "specialist" should be defined. (HB 5413, Section 1307D (B) (ii))

A definition for these terms would provide guidance to school districts regarding the necessary and appropriate qualifications for staff, as well as their ability to use existing qualified staff, including school social workers and school psychologists.

School social workers and school psychologists should also be included, along with nurses, as staff who may provide additional support in ER & ES lasting longer than the suggested limits. (HB 5412, Section 1307C (D))

Rationale:

School social workers and school psychologists presently receive mandated training in behavioral observation, functional behavioral assessment, data collection and reporting, as well as the use of evidence-based behavioral interventions as part of their graduate level professional preparation. They are presently widely used in many districts to conduct functional behavioral assessments and develop behavioral intervention plans

The Michigan Administrative Rules require that school social workers have the following roles and competencies below. Universities are required to document the courses providing this specific knowledge base, as outlined below.

R340.1011 Roles of a school social worker

(f) Develop functional behavior assessments and behavior intervention plans to facilitate successful learning and socialization opportunities. Provide services and disseminate information to encourage school wide positive behavior supports

(j) Provide comprehensive written reports of assessments and evaluations of studentsUtilize multiple methods of collecting data, and provide appropriate measurable goals for intervention and anticipated outcomes from service

R340.1014 Competencies of a school social worker

(i) Knowledge and skills to promote positive behavior supports for individuals and schoolwide programs.

(j) Knowledge and skills in development of behavior intervention plans collaboratively with family members, educational staff, and outside resources, personnel, and agencies.

(k) Knowledge and skills in mediation, conflict resolution, and collaborative problem-solving models. (q)

(q) Knowledge and skills for locating, selecting, and applying empirically supported, evidence-based prevention and intervention methods appropriate for use with individuals, groups, families, school personnel, and communities to enhance student learning, development, and school success.

Further, school social work and school psychology are the only two professions that are recognized in the Individuals with Disabilities Education Act (IDEA 2004) as having skill in "assisting in developing positive behavioral intervention strategies." R300.34(c) (14) and R 300.24 (b) (9).

Additional Concern:

Repeated use of the terms "research and evidence" in this package of legislation is not consistent with other related educational legislation. The term "evidence-based" interventions (or programs or practice) is more widely used in the educational, medical and mental health communities and we would suggest its use in this legislation.

Rationale:

The terms "research and evidence" seem redundant, since evidence is based on research. "Evidence-based" refer to programs or practices that are proven to be successful through research methodology and have produced consistently positive patterns of results.

Unfortunately, there is little research at present regarding the use of seclusion and restraint that is specific to the school setting. There is widespread support for using the term "evidence-based" programs and interventions.

Concern:

MASSW would note that the use of nonviolent crisis intervention techniques and other strategies in the Crisis Prevention Intervention (CPI) Model have been effectively utilized in many districts to train staff and develop teams to address behavior. A reference to this model could provide additional guidance to school districts.

Concern:

MASSW also has an overall concern about need to provide sufficient additional funding to assure adequate staffing levels for all of the qualified professional staff, including school social workers, who will be needed to effectively implement this important policy. Years of cuts in educational funding have resulted in fewer staff available to perform these very important functions.

Thank you very much for the opportunity to provide comments on this important legislation for Michigan's students.

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April 13, 2016
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